

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRIMAR SYSTEMS, INC, et al.,

Plaintiffs,

v.

CISCO SYSTEMS, INC, et al.,

Defendants.

No. C 13-01300 JSW

**ORDER RESERVING RULING  
ON MOTION TO SEAL**

Now before the Court is the joint administrative motion to file portions of Exhibit A to the parties' joint claim construction statement under seal. As a public forum, the Court will only entertain requests to seal that establish good cause and are narrowly tailored to seal only the particular information that is genuinely privileged or protectable as a trade secret or otherwise has a compelling need for confidentiality. Parties seeking to file documents, or portions thereof, under seal must file a declaration to establish that "the document sought to be filed under seal, or portions thereof, are sealable. Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable." Northern District Civil L.R. 79-5(d)(1)(A); *see also See Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178-81 (9th Cir. 2006) ("Those who seek to maintain the secrecy of documents ... must meet the high threshold of showing that 'compelling reasons' support secrecy.").

Here, the parties seek to file under seal any reference to expert reports and expert deposition testimony previously designated as confidential, without any argument or discussion

1 as to why the particular excerpts are genuinely privileged or protectable or otherwise have a  
2 compelling need for confidentiality. Moreover, the Court notes that the proposed order filed by  
3 the parties is deficient. The Local Rules require the parties to file a “proposed order that is  
4 narrowly tailored to seal only the sealable material, and which lists in table format each  
5 document or portion thereof that is sought to be sealed.” Northern District Civil L.R. 79-  
6 5(d)(1)(B).

7 The Court HEREBY RESERVES RULING on the joint administrative motion to seal,  
8 pending a further showing to demonstrate why the particular excerpts should be filed under seal  
9 and the filing of a revised proposed order in accordance with the Local Rules. The parties shall  
10 make a further showing by no later than November 1, 2013. If the parties fail to do so by this  
11 date, the Court will deny the motion to seal and direct the parties to publicly file an unredacted  
12 version of Exhibit A.

13 **IT IS SO ORDERED.**

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15 Dated: October 22, 2013

  
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17 JEFFREY S. WHITE  
18 UNITED STATES DISTRICT JUDGE  
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